

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58384 of 2022

Arising Out of PS. Case No.-578 Year-2022 Thana- KANTI District- Muzaffarpur

Abhishek Kumar S/o Shri Ravindra Kumar Resident of Mohalla- Bibiganj,
P.S.- Brahmpura, Distt- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance:

For the Petitioner : Mr. Ravi Ranjan, Advocate

For the Opposite Party : Mr. Brajendra Nath Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-01-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 30(a), 32(i)(ii), 36, 41(1) and 37 of the Bihar Prohibition and Excise Act.

Recovery is of 250.560 liters of foreign liquor.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. He further submits that the recovery has been made from vehicle in question and not from petitioner's conscious possession. He further submits that the petitioner has no concern at all with the alleged recovery of the illicit liquor or the vehicle in question. He further submits that the petitioner is in custody since 25.08.2022.

Learned A.P.P. for the State has vehemently opposed the



prayer for bail of the petitioner on the ground that the petitioner carries two criminal antecedents other than the present one.

Considering the facts and circumstances of the case, nothing has been recovered from the conscious possession of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Kanti P.S. Case No. 578 of 2022, with the following conditions:

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for



cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Shahnawaz/-

U		T	
---	--	---	--

